

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRANDEN WILLIE ISELI,

Plaintiff,

v.

THE ALEG,

Defendant.

No. 2:23-cv-0067 DB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff claims his right have been violated based on his housing status.

By order dated May 17, 2023, the undersigned screened and dismissed the complaint for failure to state a claim. (ECF No. 12.) Plaintiff was granted thirty days leave to file an amended complaint and advised that failure to file an amended complaint would result in a recommendation that this action be dismissed. (Id.) Thereafter, plaintiff submitted a request for review asking “to attend physicyly [sic] to properly review and deliberate such grantable for relief and resolvment [sic] directly for all related to such matter directly, proceeding such process of due process physically [sic], and verbally if possible.” (ECF No. 15 at 2.) The undersigned denied the request without prejudice and again ordered plaintiff to file an amended complaint within thirty days. (ECF No. 16.) Plaintiff was again advised that failure to file an amended complaint would result in a recommendation that this action be dismissed.

1 Those thirty days have passed and plaintiff has not filed an amended complaint, requested
2 additional time to file an amended complaint, or otherwise responded to the court's order.
3 Accordingly, the undersigned will recommend that this action be dismissed for failure to
4 prosecute and failure to comply with court orders.

5 For the reasons set forth above, the Clerk of the Court is ORDERED to randomly assign
6 this action to a United States District Judge.

7 IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See
8 E.D. Cal. Local Rule 110; Fed. R. Civ. P. 41(b).

9 These findings and recommendations are submitted to the United States District Judge
10 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days
11 after being served with these findings and recommendations, plaintiff may file written objections
12 with the court and serve a copy on all parties. Such a document should be captioned "Objections
13 to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file
14 objections within the specified time may waive the right to appeal the District Court's order.
15 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

16 Dated: November 3, 2023

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DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

20 DB:12

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